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Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

Working paper submitted by Canada entitled "Towards a United Nations 2001 action plan on small arms"

Canada believes that the concluding document of the 2001 United Nations Conference should be a global action plan for subscription by interested States. In Canada's view, a meaningful action plan should include a timetable for implementation of concrete measures that will actually reduce the numbers of small arms and light weapons (hereafter "small arms") in circulation around the world; prevent problematic transfers; promote transparency and openness; and reduce the role of small arms and light weapons in undermining human security through exacerbating armed conflict, facilitating activity in gross violation of human rights and destabilizing societies. Such actions would be targeted at the global, regional, national and local levels, providing the international community with a road map for its future work.

This working paper offers suggestions as to the format for such an action plan and provides a broad outline of its possible contents.

Format of the action plan

Canada believes that the action plan might usefully be formatted using the following quadripartite structure:

(1) Context (preamble): this introductory section would set out the qualitative and quantitative extent of the small arms situation, the interdependence of its constituent parts, the nature of the problems it produces and its relationship to broader global issues. The section would reflect the consensus of subscribing States as to both the current situation and directions for improvement;

(2) Principles: based on the previous section, this section would set out basic norms relating to State action to respond to the small arms problem in all its aspects, including manufacturing, accumulation, licit and illicit transfers, etc. The section would outline the fundamental international and human security, humanitarian, legal and other underpinnings of global and regional action on small arms;

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(3) Commitments: this section would reflect commitments by subscribing Governments to concrete action on small arms questions, including commitments to take national action or to negotiate multilateral agreements on such matters as codes of conduct, legislation and regulatory measures, control and enforcement mechanisms, transparency and tracing measures, international cooperation and so forth. The section would enumerate a series of steps to be carried out by all pertinent States, each item carrying a realistic deadline;

(4) Follow-up: this final section would establish mechanisms through which the commitments in the action plan could be followed up, for example through establishment of an ongoing working group on small arms, periodic national or group reports, a decision on a second United Nations conference etc. Its goal would be to ensure that the 2001 Conference was not an isolated affair, but rather that the United Nations would remain institutionally seized of the issue in a way that gave ongoing support to the implementation of the action plan and institutionalized ways to ensure subsequent steps.

These four sections of a proposed action plan are considered in more detail below. In each case, what is provided is a series of examples in outline form, not drafting language. Other potential items of course exist and the action plan would go into considerably more detail on each item.

Context

In developing a brief analytical context for the action plan, it will be important to take a number of factors into account, in order to provide a comprehensive picture. These include:

(1) Quantitative and qualitative analysis of the extent, distribution and flows of global manufacturing, transfer and accumulation of small arms;

(2) The role played by small arms in conflict, crime and other activities of concern to Governments and its relationship to broader international peace and security and/or human security priorities;

(3) Consideration of both the supply side (i.e. manufacturing and export) and the demand side (i.e. import and use) of the problem, as well as the linkages that connect them (e.g. brokering, finance and shipping);

(4) Relationship between licit and illicit aspects of the small arms problem;

(5) Linkage between excessive accumulation of small arms, areas of chronic armed conflict and cultures of violence;

(6) The relationship between regional and global aspects of the small arms problem;

(7) A summary of international responses and experience to date, including the United Nations experts groups, codes of conduct, moratoria, collection and destruction programmes, transparency proposals, existing agreements, ongoing negotiations etc.

The context section might also introduce key definitions and provide a clear indication of exactly what types of weapons and related items the action plan is intended to cover (e.g. firearms, small arms and/or light weapons).

Principles

The principles section could usefully incorporate both general and more specific normative statements designed to act as an agreed basis of action for countries subscribing to the action plan. Such principles could include the following:

(1) A broad declaration that excessive transfer and accumulation of small arms poses a serious problem for the global community, requiring national and collective action in response;

(2) A declaration linking the small arms problem to pertinent principles of international peace and security, humanitarian law, the declarations of other international bodies etc.;

(3) A declaration that the responsibility for solving the small arms problem falls on all countries, no matter what their role in the situation;

(4) A balancing declaration that international cooperation and mutual assistance programmes are a necessary part of solving the small arms problem;

(5) A declaration that national Governments are responsible for ensuring that small arms production, storage and transfer within their jurisdictions are legislated/regulated, that control mechanisms exist and that the control regime is enforced in such a manner as to contribute to the resolution of the small arms problem;

(6) A declaration that enhanced transparency and confidence-building measures on the manufacturing, transfer and holdings of small arms can contribute to the resolution of the small arms problem;

(7) A declaration that the ultimate goal of small arms restriction and collection programmes is to effect the reduction of the number of small arms in the world through the safe destruction of weapons collected, confiscated or declared obsolete or surplus to national or collective defence and domestic security requirements.

Commitments

The items in the commitments section should derive largely from the context and principles sections. Where possible, each item should also be linked to a deadline for action and to transparency measures covering implementation of that item. These commitments would need to take into account and reinforce existing initiatives such as the Mali moratorium and the Vienna-based firearms protocol negotiations. Where the commitment is to create a new international understanding or arrangement (see 4 and 5 below), a key decision will be whether to seek the actual negotiation of that understanding or arrangement by the Conference, or simply to record the commitment to negotiate it. Within that context, this section of the action plan could include measures such as the following:

(1) A general commitment by States to exercise the maximum practicable restraint on the legal manufacture and transfer of small arms and to enhance efforts to prevent the illicit manufacture and transfer of such weapons;

(2) A commitment to ensure that national laws, regulations and enforcement mechanisms are adequate to control small arms related activities within national jurisdictions, including manufacture, brokerage, transfer and storage, as these affect international peace and security;

(3) A commitment to promote enhanced participation in and application of existing agreements, guidelines and other measures of restraint in the small arms field at global and regional levels;

(4) A commitment to negotiate internationally agreed guidelines, common standards/criteria, model legislation/regulations or codes of conduct in the form of one or more comprehensive agreements on responsible behaviour in terms of production, export, import, accumulation and secure storage of small arms. Several current or proposed models exist for guidelines/codes and normative elements from such models could, if agreed by the Conference, be included in the principles or commitments sections of the action plan;

(5) A commitment to negotiate and implement enhanced international transparency and traceability measures covering small arms regulation/control measures, production, transfers and holdings, including consideration of marking systems, record-keeping standards, regular exchanges of information, creation of global and regional registers and/or establishment of an international data centre covering small arms;

(6) A commitment to practical international support of initiatives for the collection, secure storage and monitored destruction of small arms, especially in conflict-affected States and other States with excessive accumulations of small arms (mention of specific initiatives, if agreed);

(7) A commitment from the global community to provide practical support for other national and regional initiatives in response to the small arms problem, including support for strengthening of legislative/regulatory, stockpile management, export/import regulation, training, technology and other control and enforcement measures (mention of specific initiatives, if agreed);

(8) A commitment to strengthen national and international mechanisms related to small arms as a means to enhance enforcement of United Nations-mandated arms embargoes;

(9) A commitment to support the United Nations and other recognized international institutions in the design, mandating and implementation of small arms collection and destruction operations as part of disarmament, demobilization and reintegration programmes;

(10) A commitment to work for the early conclusion, ratification and entry into force of the firearms protocol and other international instruments related to the small arms problem, completed or under negotiation;

(11) A commitment to enhance cooperation among States in the enforcement of national laws and in the verification of international commitments on resolving the small arms problem.

Follow-up

This section of the action plan would deal with ways to encourage countries to carry out their commitments under the plan, and would provide for an ongoing mechanism to review and adapt the action plan over time. It is not envisaged at this point that a new bureaucracy would be established, although informal continuing mechanisms could be usefully created. Among the non-exclusive options that could be considered:

(1) Agreement that individual States subscribing to the action plan would provide an annual report concerning their implementation of commitments contained in the plan (and any other actions on small arms they chose to flag). Such reports could for example be deposited with the Secretary-General of the United Nations and a compendium distributed to all subscribing parties;

(2) Agreement that implementation of the action plan would be a permanent item on the agenda of the First Committee of the General Assembly — subject to the approval of the Assembly;

(3) Agreement in principle to convene a second United Nations conference within a fixed period of time (e.g. five years), with the purpose of reviewing the implementation of the action plan to date and amending it as necessary to reflect developments in the field since the first Conference — subject to the approval of the General Assembly;

(4) Agreement to establish an independent open-ended informal working group that would meet (perhaps on an annual basis) to review the implementation of the action plan.